

**Office Action Summary**



Application No.

10/774,790

Applicant(s)

BUCHL, GREGG NATHAN

Examiner

Victor Batson

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11, 13-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### ***Claim Objections***

The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 12(new) through claim 22(canceled) have been renumbered as claims 13 through 24 respectively.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Renumbered claims 1-11,13-16,18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.


 In claim 1 line 8, "the current position" lacks proper antecedent basis.

 In claim 1 line 10, "the remote solenoid" lacks proper antecedent basis.

 In claim 6 line 2, "the shallow deployed depth" lacks proper antecedent basis.

 In claim 7 line 2, "the function of shallow position" lacks proper antecedent basis.

 In claim 7 line 3, "the hydraulic power source" lacks proper antecedent basis.

 In claim 7 lines 4-5, "the set position of the shallow position" lacks proper antecedent basis.

 In claim 11 line 2, "the hydraulic control system" lacks proper antecedent basis.

Art Unit: 3671

~~OK OK~~ In claim 13 line 4, "the function of shallow position" lacks proper antecedent basis.

~~OK OK~~ In claim 13 lines 4-5, "the function of the working position" lacks proper antecedent basis.

~~OK OK~~ In claim 13 line 8, "an input device" lacks proper antecedent basis because antecedent basis has been established for "an input device" in line 6, and it is unclear if applicant is attempting to set forth a second input device, or attempting to refer to the previously established input device.

~~OK OK~~ In claim 14 line 4, "the hydraulic power source" lacks proper antecedent basis.

~~OK OK~~ In claim 15 line 3, "the hydraulic power source" lacks proper antecedent basis.


~~OK OK~~ In claim 15 lines 4-5, "the set position of the working position" lacks proper antecedent basis.


~~OK OK~~ In claim 16 line 3, "the hydraulic power source" lacks proper antecedent basis.


~~OK OK~~ In claim 18 lines 6-9, "a hydraulic manifold", "a counter-balance valve", and "a solenoid activated valve" lack proper antecedent basis because antecedent basis has been established for "a hydraulic manifold", "a counter-balance valve", and "a solenoid activated valve" in lines 4-5, and it is unclear if applicant is attempting to set forth a second hydraulic manifold, counter-balance valve, and solenoid activated valve, or attempting to refer to the previously established devices. Similarly, "a check valve" in line 7 lacks proper antecedent basis. Similarly in claims 19, 20 & 21, "a hydraulic manifold", "a counter-balance valve" "a check valve" lack proper antecedent basis.

stop  
man  
oil

Art Unit: 3671

 In claim 19, "the master cylinder", "the rod side", "the outer slave circuit", "the exhaust of hydraulic oil", "the check valve" and "the positions" lack proper antecedent basis.

 In claim 20, "the counter-balance valve", "the master cylinder", "the check valve" and "the cylinders" lack proper antecedent basis.

 In claim 21, "the counter-balance valve" and "the master cylinder", lack proper antecedent basis.

***Allowable Subject Matter***

Claims 1-11,13-16,18-21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (571) 272-6987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3671

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

February 8, 2007



Victor Batson  
Primary Examiner  
Art Unit 3671